

**MEMORANDUM ENDORSED**

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**VIA ECF**

**Laura Burson**  
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Judge Gregory H. Woods  
United States District Court for the Southern District of New York

**Re: Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. v. Microchip Technology Incorporated, Case No. 1:24-mc-00269\_GHW-SDA, (S.D. NY)**

Dear Judge Woods:

Pursuant to the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Rule 6.2(b) and 7.1(d), and the United States District Court, Southern District of New York's Sealed Records filing Instructions ("Filing Instructions"), Petitioner Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. ("Samsung") respectfully submits this letter requesting leave to file under seal its Letter Response to Microchip's Motion for Leave to File Sur-Reply (the "Response") and to file a redacted version.

"Although the right of public access to court records is firmly entrenched and well supported by policy and practical considerations, the right is not absolute." *In re Orion Pictures Corp.*, 21 F.3d 24, 27 (2d Cir. 1994). "Redaction may be appropriate to protect confidential information." *Fairstein v. Netflix, Inc.*, No. 20-CV-8042 (PKC), 2023 WL 6164293, at \*1 (S.D.N.Y. Sept. 21, 2023). "Every court as supervisory power over its own records and files, and access [can be] denied where court files might have become a vehicle for improper purposes." *United States v. Amodeo*, 44 F.3d 141, 146 (2<sup>nd</sup> Cir. 1995) (*Amodeo I*) (citation omitted).

Samsung seeks to file under seal the Proposed Sealed Exhibits, which contains information from documents that Polaris PowerLed Technologies, LLC ("Polaris") has designated as "RESTRICTED – OUTSIDE ATTORNEYS' EYES ONLY" in the underlying litigation. In so designating, Polaris affirmed that the documents contain information, the disclosure of which may harm Polaris's "competitive position," "negatively impact their privacy interests" or "contravene an obligation of confidentiality to a third Person or to a court." *Polaris PowerLed Technologies, LLC v. Samsung Electronics America, Inc., Samsung Electronics Co., Ltd. and Samsung Display Co., Ltd.*, No. 2:22-cv-00469-JRG (E.D. Tex.), Dkt. 50 (Stipulated Protective Order) at \*3. As such, Samsung moves to file under seal the Response to maintain confidential Polaris's business information, in accordance with the Protective Order in the Texas action.



Respectfully submitted,

/s/ Laura Burson

Laura Burson

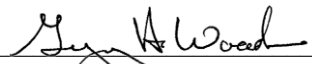
O'MELVENY & MYERS LLP

Counsel for Samsung

Application denied without prejudice. On June 14, 2024, the Court referred this matter to Magistrate Judge Aaron for all motions. Dkt. No. 9. Petitioners must address any motion to seal to Judge Aaron. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 39.

SO ORDERED.

Dated: August 9, 2024  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge